

116TH CONGRESS
1ST SESSION

H. R. 142

To provide for phased-in payment of Social Security Disability Insurance payments during the waiting period for individuals with a terminal illness.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

Mr. RODNEY DAVIS of Illinois introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To provide for phased-in payment of Social Security Disability Insurance payments during the waiting period for individuals with a terminal illness.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Social Security Dis-
5 ability Fairness Act of 2019”.

6 SEC. 2. PHASED-IN PAYMENT OF SSDI BENEFITS DURING

THE WAITING PERIOD FOR THE TERMINALLY ILL.

(a) IN GENERAL.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter following subparagraph (E), by striking “or (ii)” and inserting “(ii) subject to paragraph (2)(B), for each month beginning with the first month during all of which the individual is determined under subparagraph (D) of subsection (d)(2) to be under a disability and in which he becomes so entitled to such insurance benefits, or (iii)”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking

“or” at the end;

(ii) by redesignating subparagraph

(B) as subparagraph (C);

(iii) in subparagraph (C), as so redes-

ignated, by striking “(ii)” and inserting

“(iii)”;

(iv) by inserting after subparagraph

(A) the following new subparagraph:

“(B) in any case in which clause (ii) of paragraph (1) of this subsection is applicable, the first month for which the individual becomes entitled to disability insurance benefits, subject to the one-in percentage period described in paragraph A), or”; and

(C) by adding at the end the following new paragraph:

“(3)(A) For purposes of paragraph (2)(B), in any case in which clause (ii) of paragraph (1) of this subsection is applicable, an individual’s disability insurance benefit for the earliest period of consecutive calendar months throughout which the individual has been entitled to such insurance benefits shall be equal to the product of the benefit amount determined under paragraph (2)(B) (as determined before application of this paragraph) and—

12 “(i) for the first calendar month, 50 percent;

13 “(ii) for the second calendar month, 75 percent;

14 and

15 “(iii) for each subsequent calendar month
16 through the twelfth calendar month, 100 percent.

17 “(B) If an individual who has been determined under
18 subparagraph (D) of subsection (d)(2) to be under a dis-
19 ability has been entitled to a disability insurance benefit
20 on such basis for 12 consecutive calendar months, the in-
21 dividual’s disability insurance benefit for any month dur-
22 ing the subsequent period of 12 consecutive calendar
23 months shall be equal to—

1 “(i) the benefit amount determined under para-
2 graph (2)(B) (as determined before application of
3 subparagraph (A)); minus

4 “(ii) the quotient obtained by dividing the total
5 amount of disability insurance benefits provided to
6 the individual during the earliest period of five con-
7 secutive calendar months for which the individual
8 was entitled to such benefits on such basis by 12.

9 “(C) If an individual who has been determined under
10 subparagraph (D) of subsection (d)(2) to be under a dis-
11 ability has been entitled to a disability insurance benefit
12 on such basis for 24 consecutive calendar months, the in-
13 dividual’s disability insurance benefit for any subsequent
14 month shall be equal to 95 percent of the benefit amount
15 determined under paragraph (2)(B) (as determined before
16 application of subparagraphs (A) and (B)).”; and

17 (2) in subsection (d)(2), by adding at the end
18 the following:

19 “(D) For purposes of clause (ii) of paragraph
20 (1) of subsection (a), an individual shall be deter-
21 mined to be under a disability upon submission of a
22 diagnosis of a terminal illness (as defined in section
23 1861(dd)(3)(A)) that has been certified by not less
24 than 2 physicians (as defined in section 1861(r)(1))
25 who are not related (as defined in section 267(c)(4)

1 of the Internal Revenue Code) and are not in the
2 same physician group practice.”.

3 (b) REPORTS TO CONGRESS.—

4 (1) REPORT BY SOCIAL SECURITY ADMINISTRA-
5 TION.—Not later than 12 months after the date of
6 the enactment of this Act, and each year thereafter,
7 the Commissioner of Social Security, in coordination
8 with the Inspector General of the Social Security
9 Administration, shall submit to the relevant commit-
10 tees of Congress a report that evaluates the provi-
11 sion of disability insurance benefits to terminally ill
12 individuals, including—

- 13 (A) the total number of individuals who—
14 (i) filed applications for disability in-
15 surance benefits (as determined under sec-
16 tion 223(a)(3) of the Social Security Act)
17 based on a diagnosis of a terminal illness;
18 (ii) receive such benefits;
19 (iii) die within 6 months of first re-
20 ceiving such benefits;
21 (iv) die within 12 months of first re-
22 ceiving such benefits;
23 (v) receive such benefits during the
24 period described in section 223(a)(3)(B) of
25 the Social Security Act; and

(vi) receive such benefits during the period described in section 223(a)(3)(C) of the Social Security Act;

(B) the total amount expended, including related administrative expenses, for the provision of disability insurance benefits under section 223(a)(3) of the Social Security Act to individuals diagnosed with a terminal illness; and

(C) recommendations for such legislation

and administrative actions as are determined appropriate for preventing fraud, waste, and abuse related to such benefits.

(2) REPORT BY GOVERNMENT ACCOUNTABILITY
ICE.—Not later than 4 years after the date of
enactment of this Act, the Comptroller General
of the United States shall submit a report to the rel-
evant committees of Congress that evaluates the pro-
vision of disability insurance benefits to terminally ill
individuals and provides recommendations for such
legislation and administrative actions as are deter-
mined appropriate to improve the provision of such
benefits to such individuals.

(c) EFFECTIVE DATE; SUNSET.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall apply to

1 benefits payable for months beginning after Decem-
2 ber 31, 2019.

3 (2) SUNSET.—The amendments made by sub-
4 section (a) shall cease to have effect on January 1,
5 2025, and upon such date, section 223 of the Social
6 Security Act shall read as if such amendments had
7 not been enacted.

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